

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2-3, 13-14, 24 and 28-30 are requested to be cancelled.

Claims 1, 12, 23, 25 and 27 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 4, 5, 12, 15, 16, 23, 25 and 27 are now pending in this application.

Claims 1-5, 12-16, 23-25 and 27-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,795,243 to McGettigan et al. (hereinafter "McGettigan"). Further, claims 1-5, 12-16, 23-25, 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,698,902 to Kawano et al. (hereinafter "Kawano") in view of McGettigan. As to canceled claims 2-3, 13-14, 24 and 28-30, the rejection is moot. Applicant respectfully traverses the rejection of claims 1, 4, 5, 12, 15, 16, 23, 25 and 27 for at least the following reasons.

Embodiments of the present invention relate to enhancing of contrast in digital projectors. According to the disclosed embodiments, a sealant is provided along the perimeter of a gap along the light path between two optical components. As shown in Figure 3, the sealant is provided along the perimeter and around the light path. Thus, the sealant prevents dust and other pollutants from entering the light path between the two optical components, such as between a DMD cover plate 320 and the TIR prism 330. Further, as described in the specification at paragraph 0017, the gap may be evacuated to provide substantially a vacuum. Applicant has amended independent claims 1, 12, 23 and 27 to recite this feature of the invention, formerly recited in dependent claims 2, 13, 24 and 28,

respectively. Accordingly, claim 1 recites “evacuating said gap to provide substantially a vacuum in said gap.” Claims 12, 23 and 27 recite similar features.

By contrast, the cited references fail to teach or suggest this feature of the claimed invention. As acknowledged by the Examiner, “Kawano does not appear to disclose ‘... evacuating said gap to provide substantially a vacuum in said gap’” The Office Action cites McGettigan as disclosing this feature. Specifically, the Office Action asserts that “sealing air gap 24 with seal 26 and isolating air gap 24 from ambient atmosphere is considered to be providing a ‘vacuum’.” Applicant respectfully disagrees with this interpretation of the teaching of McGettigan.

As the term is used in the specification, “vacuum” is distinct from mere isolation. For example, the specification explicitly discloses a configuration in which “air is allowed to remain in the gap” as distinct from another configuration in which “the gap is evacuated to provide substantially a vacuum” Specification, paragraph 0017. While the first of these configurations merely isolates the gap, the second configuration requires removal of air from the gap. For example, sufficient air may be removed to provide a gap with a lower refractive index than a gap filled with air.

As acknowledged by the Examiner, McGettigan discloses sealing the air gap with a seal and isolating the air gap from the ambient atmosphere. No further teaching is provided by McGettigan. McGettigan neither teaches nor suggests providing substantially a vacuum in the gap. Thus, the cited references fail to teach or suggest evacuating the gap to provide a vacuum, as the term is used in the present application.

Thus, claims 1, 12, 23 and 27 are patentable over the cited references. Further, claims 4, 5, 15, 16 and 25 depend from one of the allowable claims and are, therefore, patentable for at least that reason as well as for additional patentable features when those claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date January 25, 2005

FOLEY & LARDNER LLP
Customer Number: 22879
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

By Saiyan Rhond Reg # 51,182

for William T. Ellis
Attorney for Applicant
Registration No. 26,874